

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES EDWARD GRANT,

Plaintiff,

v.

JEFFREY GILL,

Defendant.

ORDER

14-cv-436-jdp

This case was tried on December 13, 2017, with the jury finding no liability on behalf of defendant Jeffrey Gill. Judgment was entered on December 21, 2017. Plaintiff James Edward Grant has filed a notice of appeal and asks for leave to proceed *in forma pauperis* with his appeal. The state orally objected to Grant receiving *in forma pauperis* status on appeal because of his three-strike status. But 28 U.S.C. § 1915(g) applies only to prisoners, and Grant is no longer a prisoner. Grant is also generally barred from bringing new cases in this court, but I do not read this court's series of orders sanctioning Grant as prohibiting him from filing appeals of cases litigated to trial.

But there are a couple of problems with Grant's motion that need to be addressed before I can consider it. First, Grant has not fully filled out the affidavit outlining his financial status. He has not answered the questions asking whether he has cash or funds in bank accounts or investment vehicles. *See* Dkt. 96.¹ I will direct the clerk of court to return the affidavit to Grant so that he can fill it out completely and return it to the court.

¹ He also failed to answer the question asking whether he owns his residence, but I assume he does not given that his listed address is an apartment.

Second, Grant does not explain why he wants to appeal other than saying that he wants to appeal the jury's verdict. Without some indication of what error Grant perceives to have occurred, I cannot consider whether his appeal is being taken in good faith. *See Pate v. Stevens*, 163 F.3d 437, 439 (7th Cir. 1998). I will give Grant a short time to supplement his motion with an explanation of his grounds for appeal.

Grant has also filed a motion for trial transcripts to be prepared at government expense. But I can grant that motion only if I conclude that he may proceed with his appeal *in forma pauperis* and that "the appeal is not frivolous (but presents a substantial question)." 28 U.S.C. § 753(f). I cannot make those determinations without Grant explaining the reasons for his appeal.

ORDER

IT IS ORDERED that:

1. The clerk of court is directed to return plaintiff James Edward Grant's affidavit in support of his motion for leave to proceed *in forma pauperis* on appeal.
2. Plaintiff may have until January 5, 2018, to complete his financial affidavit and supplement his motion for leave to proceed *in forma pauperis* on appeal as discussed above.

Entered December 22, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge